



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.9465 of 2020

1.Ameer Sathiq
2.Kamila Beevi

... Petitioners/Accused Nos.1&2

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
In Crime No.11 of 2019.

... Respondent/Complainant

For Petitioners: Mr.J.M.Hassanul Bazari, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

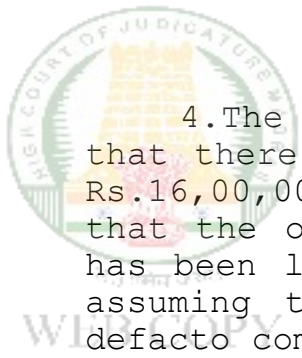
For Anticipatory Bail in Crime. No.11 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the offences punishable under Section 420 IPC, in Crime No.11 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 03.09.2016, A1 to A5 have received a sum of Rs.5,00,000/-, as advance amount and also received Rs.11,00,000/-, by promising to execute a sale deed in favour of the defacto complainant, for the property to the extent of 10 cents. The said property belongs to the second accused. After receiving the entire payment, the accused persons have failed to register any sale deed. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.



4.The learned counsel appearing for the petitioners submitted that there is absolutely no proof that the petitioner had received Rs.16,00,000/- from the defacto complainant. He further submitted that the occurrence took place in the year 2016 and the complaint has been lodged in the year 2019. He further submitted that even assuming that the petitioners received the said amount from the defacto complainant, it is purely civil in nature.

5.The learned Government Advocate (Criminal Side), on instructions, submitted that there are totally six accused, in which the petitioners are arrayed as A1 and A2. A3 already had already been arrested and remanded to judicial custody and he gave confession, which reveals that the petitioners have received a sum of Rs.16,00,000/- from the defacto complainant to execute a sale deed and thereafter, they refused to execute a sale deed and cheated the defacto complainant.

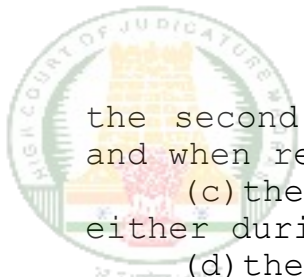
6.It is seen from the records that there are totally six accused in this case. In respect of subject property, the petitioners have received a sum of Rs.16 lakhs from the defacto complainant to execute a sale deed in the year 2016. Thereafter, they have not executed any sale deed. It is seen from the FIR that there is no proof that the petitioners received a sum of Rs.16,00,000/- from the defacto complainant. Even assuming that the petitioners received the said amount for any execution of sale deed, the defacto complainant has to file a suit in the manner known to law. It is also seen that the amount has been received by the petitioner in the year 2016, by which the defacto complainant lodged a complaint in the year 2019.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of



the second petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9465 of 2020

Date : 05/10/2020

VSD

<https://hcservices.ecourts.gov.in/hcservices/> 08.10.2020/ 3P/5C